

Re: Committee Issue; Sexual Assault

Dear Senate & House Members of the Law and Justice Interim Committee

My name is Patricia Grubb and I'm here to talk to you today about how the sex offender laws do not make sense.

When we are thinking in terms of working to end the cycle of sexual abuse...We need to take a closer look OUR Problem, OUR Challenge and OUR Solution.

For starters, we need to understand that viewing pornography has become an epidemic in our country, this is a health issue, a rapidly growing epidemic that has taken hold of our children and adults alike. Something that cannot be locked away.

As a precursor to my story, to help bring an understanding, I would like to show a short clip End of Love, a documentary in development about the lethal intersection of internet pornography, developing adolescent brains and the criminal justice system.

<https://vimeo.com/108311461>

This is very personal for me because it happened in my family. When my son was 19 years old our house was raided by the FBI - guns drawn- at 6:45 in the morning in search of child pornography that, unbeknownst to us my son had been looking at.

My son was watching pornography, but we didn't know how big of a problem it had become. What we've learned since is that he's just one of a number of young men that are exposed to Internet pornography from an early age and then developed an addiction that spirals out of control.

Possession of child pornography is the fastest growing prosecuted crime in our country right now.

Most of these young men, like my son, are curious, hormonal and are in a brain development stage where they're not making smart decisions. {I heard someone interviewed recently about brain development in young men and they said, the only people who have figured this out is auto insurance companies--and it's so true!--think about it, they're the only ones who have put a price tag on the stupidity of young men}.

From this point, I would like to read a couple of excerpts taken verbatim from my son's 1/6/11 sentencing transcript, conversations between the Judge and the Forensic psychiatrist assigned to my son's case.

Q. THE COURT: Federal Judge, Donald Molloy: Anything you picked up there or in your own testing that suggests to you that this young man is a potential pedophile or that he's some--I mean, I'm always interested in why the government takes the position that a guideline sentence of 87 months is appropriate with a person like this. And I always look to see; Well, there must be something. And did you find anything that, in your mind, would say that, Okay. We have to incapacitate this man for at least 87 months?

A. THE WITNESS, Forensic Psychiatrist, Dr. Michael Scolotie: No. And Congress is fear-driven and public driven, it's not research-driven. There is a percentage of these men involved in these acts that are just over the top that need to be locked up the rest of their lives. Then there's this group of college-age kids that are computer savvy, that, you know, utilize the peer-to-peer networks, a lot for music, but then they get into porn and it's just a sorry case and there's no reason they need to be incarcerated for any significant amount of time. They should be in the community, they should be getting a job, they should be paying taxes, they should be doing treatment.

THE COURT: The nature and circumstances of the offense, I think, are succinctly stated by the Forensic Psychiatrist...Jamie, like so many young men, lacks judgment and perspective as well as experience and gets on the Internet, seeking some sort of sexual gratification from pornography and ends up with child pornography.

MY RESPONSE: This is not an "us" vs. "them" problem that we can just lock away but rather needs to be seen and treated as the public health crisis that it is.

Sentencing for our son:

On January 6th, 2011, our son was charged and convicted with receipt of child pornography, and sentenced to a Federal mandatory minimum five year sentence and registered as a sex offender for the remainder of his life, putting restrictions on where he can live, work and travel. While in prison he did not receive adequate treatment.

Each year of incarceration costs approximately \$26,250, so for an 85-108 month sentence, It will cost taxpayers \$197,500 - \$245,260. Plus, supervised release would be another \$3,800 for every year of supervision, roughly \$34,200 for seven years.  $\$245,260 + \$34,200 = \$279,460$

At the time of my son's sentencing, 1/6/2011, the court ordered Forensic Psychiatrist assigned to my son's case alone, had worked with 125 cases, which only 3 were state court cases.

This is a 21st Century crime with 20th century laws. The Internet has made pornography accessible, affordable and anonymous and child pornography isn't buried in some "darkweb". To any parent of young boys, Internet pornography is like the new loaded gun in the house at your kid's next sleepover. With the growing number of young people being raised on the internet, we find ourselves in a vast, uncontrolled social experiment."

Registered sex offenders in the US and its territories:

June 3, 2014: 774,600

June 1, 2015: 843,260.....12 month difference of 68,660... per month increase of 5721.6

Montana Sex Offender Registry broken down into 81 months of growth:

Sept. 2008:1,741

June 2015: 2,366

Avg per month increase: 7.71

Registries are not being used the way they were originally intended to be used, to bring awareness to dangerous predators living in your neighborhood.

If we call everybody dangerous, than no one is dangerous...

### The Facts of Sexual Abuse

- 93% of Sexual abuse is inflicted by someone known to the victim
- The sex offender registry is ineffective at preventing new sex offenses and is a poor indicator of risk
- Strangers are responsible for 6.7% of sexual offenses against a child
- Most sexual abuse is inflicted by someone who is not on the sex offender registry
- Residency restrictions do not prevent new sex offenses

Legislative efforts to stop sexual offending includes strict sentencing laws, enhanced registration and community notification requirements, and residency restrictions. In passing such laws, lawmakers have discouraged reporting by victims, eschewed evidence based practices which would promote community safety and ultimately wasted limited resources.

What I am asking for:

Smarter use of taxpayer dollars, we need to be more fiscally responsible. We have the technology to identify risk and sort individuals out and do assessments to determine whether or not someone has sexual deviants or not. We are spending a lot of money on low risk guys.

## OUR SOLUTION:

Education and Awareness

Focus on prevention

Empirical evidence driven policy

Safe re-entry

A Systemic & Cultural Paradigm Shift

- Public Awareness Education
- Empirically Identify Risk to Public Safety
- Pretrial Diversion
- Post Incarceration Re-entry Solutions
  - Multi-agency and community partnerships
- Fiscal Responsibility
- Restoring Families and Saving Lives
- Breaking the Cycle of Abuse

Educate General Population Pre-offender Groups

Use Risk Assessment to Determine Risk to Public Safety

Use Pretrial Intervention and Diversion for first time, non violent, low risk offenders

Provide and Support Victim Services

Provide Treatment to Offenders and At Risk Pre-offenders

Mandate Step down Transitional Housing for Re-entry

Implement & Support Effective Re-entry Policies

# **S.S.A.I.N.**

## ***Target Identified Groups***

- Group I
  - Partner with DOE and DJJ
- Group II
  - Partner with Legislature, DOE, Community
- Group III
  - Partner with DCF, DJJ, DOE, Parent Groups, Churches and Youth Organizations



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# **S.S.A.I.N.**

## **Prevention Awareness Program Identified Groups**

### **Group I Juveniles**

- Prevention Education
- Grade Level Appropriate
- Good touch bad touch
- Train acceptable behaviors in schools
- Alert to internet awareness/sexting
- Romeo/Juliet

### **Group II Positions of Authority/Friends & Acquaintances**

- Job Screening
- Pre employment screening (dianascreening.com)
- Mandate Practice Policy
- Mandate Safety Plans

### **Group III Family Network**

- Alert Parents to signs of abuse, change in behavior
- Babysitters
- Not leave kids alone
- Provide Treatment vs. incarceration
- Increase reporting



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# S.S.A.I.N.

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